

## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Sheldon Avery THOMAS

Case: 2:22-mj-30304

Case No. Assigned To : Unassigned

Assign. Date : 7/9/2022

USA V. THOMAS (CMP)(CMC)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 7, 2022 in the county of Macomb in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section*

18 U.S.C. § 922(a)(6)

*Offense Description*

False Statement in Acquisition of a Firearm

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.*S/A Marquis Shannon**Complainant's signature*

Special Agent Marquis Shannon,

*Printed name and title*

ATF

Sworn to before me and signed in my presence  
and/or by reliable electronic means.Date: July 9, 2022City and state: Detroit, Michigan*Kim Y Altman**Judge's signature*

Hon. Kimberly Altman, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, Special Agent Marquis Shannon, being duly sworn, depose and state the following:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been employed with the ATF for over eight years. As a Special Agent, I am currently assigned to the Detroit Field Office. I have conducted or participated in numerous criminal investigations focused on firearms and narcotics violations. I am a graduate of the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to my employment with ATF, I was employed as a State Trooper with the Ohio State Highway Patrol for approximately seven-and-a-half years from 2006 through 2014. I earned a Bachelor's Degree from The Ohio State University.

2. I make this affidavit from personal knowledge based on my participation in this investigation, including reports from other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited

purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. ATF is currently conducting a criminal investigation concerning Sheldon THOMAS (B/M, xx/xx/1995) for violations of 18 U.S.C. §§ 922(a)(6) and 924(a)(2) (making a false statement during the purchase of a firearm), among other state and federal criminal violations.

### **PROBABLE CAUSE**

4. On the evening of July 06, 2022, Detroit Police Officers responded to a shots fired call in the area of Joy Road and Marlowe Street in Detroit, MI. Upon arriving at the scene, an individual later identified as Ehmani DAVIS, B/M, D.O.B. XX/XX/2002 began firing shots at responding officers. At least one bullet fired from DAVIS' firearm struck a Detroit Police Officer. Other responding officers returned fire and fatally struck DAVIS. DPD Officers transported the injured officer to Sinai Grace Hospital for treatment, however the officer eventually succumbed to the gunshot injuries he sustained from DAVIS' firearm.

5. On the evening of July 06, 2022, I requested an urgent trace of the Romarm/Cugir, Draco, 7.62 caliber, pistol, bearing serial number 21DG3219 that DAVIS possessed during the shooting.

6. On July 06, 2022, I conducted an inquiry into the National Crime Information Center (NCIC) to determine if the Romarm/Cugir, Draco, 7.62 caliber,

pistol, bearing serial number 21DG3219 was reported stolen. Results revealed the firearm was not reported stolen.

7. On July 07, 2022, I received a copy of the trace report for the Romarm/Cugir, Draco, 7.62 caliber, pistol, bearing serial number 21DG3219. The trace report summary indicated that the firearm had been purchased on June 7, 2022 by Sheldon Avery THOMAS (DOB XX/XX/1995) from Action Impact in Eastpointe, Michigan, in the Eastern District of Michigan.

8. On July 07, 2022, S/A Allick and S/A Pharr traveled to Action Impact to review documents and video surveillance related to THOMAS' June 07, 2022, purchase of the Romarm/Cugir firearm. While reviewing THOMAS' June 07, 2022, firearm transaction at Action Impact, S/A Allick and S/A Pharr observed THOMAS initially attempted to purchase a firearm on May 29, 2022. However, the National Instant Criminal Background Check System (NICS) provided a "delayed" response, which prevented THOMAS from obtaining the firearm on May 29, 2022.

9. Agents reviewed surveillance video from Action Impact capturing THOMAS' attempted firearm purchase on May 29, 2022. During THOMAS' May 29, 2022 visit to Action Impact, THOMAS and DAVIS walked into Action Impact at approximately the same time. DAVIS remained in close proximity to THOMAS while THOMAS shopped for firearms and completed the firearm transaction

paperwork. Image 1 and Image 2 are screenshots from the surveillance video, which show THOMAS and DAVIS together at Action Impact during the attempted firearm purchase on May 29, 2022.



Image 1

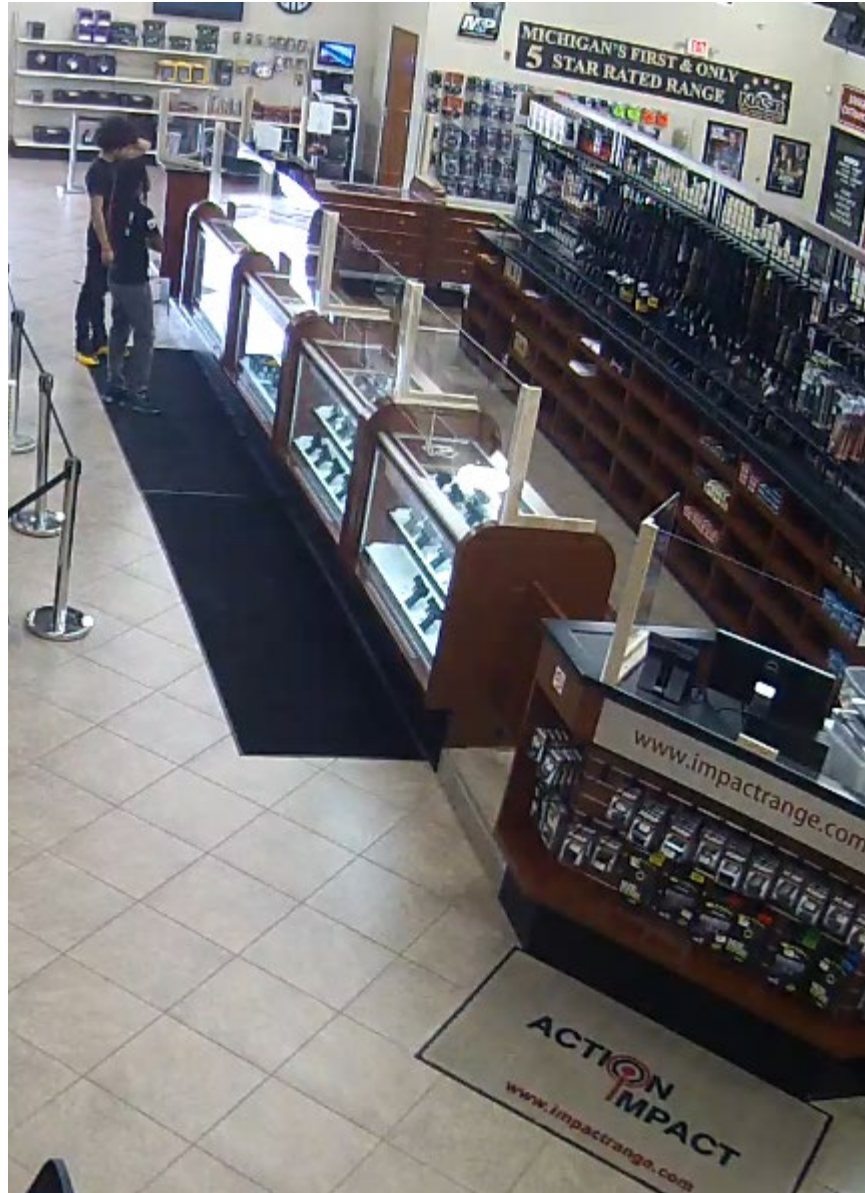


Image 2

10. On July 07, 2022, S/A Allick and S/A Pharr also reviewed the Firearms Transaction Record (ATF Form 4473), video surveillance, and other documents related to THOMAS' second known visit to Action Impact on June 07, 2022.

11. An ATF Form 4473 is required for any purchase or acquisition of a firearm from an FFL. ATF Form 4473 asks the purchaser of a firearm the following question:

*“Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.”*

ATF Special Agent Allick and Special Agent Pharr received and reviewed the Firearm Transaction Records (ATF Form 4473) completed and signed by THOMAS during the June 7, 2022 purchase of the Draco pistol. THOMAS marked “Yes” in response to the above question, affirming that he was the actual buyer of the firearm. THOMAS signed his name certifying his answers were true, correct, and complete. THOMAS signed the form acknowledging that providing any false statement on the form was punishable as a felony under federal law.

12. Video surveillance from Action Impact showed THOMAS purchasing the Romarm/Cugir, Draco, 7.62 caliber, pistol, bearing serial number 21DG3219. Following THOMAS’ purchase of the Romarm/Cugir firearm, surveillance video from neighboring buildings showed THOMAS carry the purchased firearm and meet with an individual that appeared to be DAVIS. Image 3 depicts THOMAS leaving Action Impact after completing the purchase of the firearm. Image 4



depicts THOMAS meeting up with the individual believed to be DAVIS in the parking lot of a White Castle near Action Impact in Eastpointe, Michigan.



Image 3



Image 4

13. On July 09, 2022, Bureau of Alcohol Tobacco, Firearms and Explosives (ATF) Special Agents obtained federal search warrant 22-51151-3 for THOMAS' residence in Detroit, Michigan. Agents executed the warrant the same day.

14. While searching THOMAS' residence, Agents recovered the following items:



- a. A Pistol Sales Record for “THOMAS, SHELDON, AVERY”, for a Century Arms, model Draco, 7.62 caliber, firearm, bearing serial number 21DG-3219.
  - b. Receipts from Action Impact for a “Century Arms Draco”, containing serial number “21DG3219”, and two boxes of ammunition. The bottom of the Action Impact receipt contained a section that stated “Loyal Customer: SHELDON THOMAS”.
15. While at the residence, S/A Klupacs and I asked to speak with THOMAS. S/A Klupacs read THOMAS his *Miranda* Rights. THOMAS acknowledged he understood his *Miranda* Rights and agreed to speak with Agents. The following is a summary of THOMAS’ statements:
  - a. THOMAS admitted purchasing a Draco firearm for his friend “Monie”.
  - b. THOMAS admitted traveling to Action Impact on two separate days. THOMAS advised his background check was delayed which caused THOMAS to return on a different day to purchase the Draco.
  - c. S/A Klupacs showed THOMAS a photograph of Ehmani DAVIS. THOMAS positively identified Ehmani DAVIS as the individual THOMAS knew as “Monie”.

- d. THOMAS advised DAVIS provided THOMAS with the money for THOMAS to purchase the Draco from Action Impact.
- e. THOMAS stated he met with DAVIS after purchasing the Draco firearm from Action Impact and walked to a nearby gas station. THOMAS advised he didn't have a vehicle, and DAVIS provided THOMAS with "a ride" because "you can't get a Lyft with a full on Draco".
- f. THOMAS advised DAVIS paid THOMAS with approximately \$50 to purchase the Draco pistol for DAVIS.
- g. THOMAS advised he gave the Draco firearm to DAVIS after the purchase.
- h. After giving DAVIS the Draco firearm, THOMAS recalled telling DAVIS "Don't do nothing fucking stupid because my [THOMAS] name is on it [the Draco firearm]."
- i. During the interview between Agents and THOMAS, THOMAS identified the telephone number he has for DAVIS.

16. I conducted a partial review the contents of THOMAS' cellphone.

During the partial review, I observed the following text messages between THOMAS and DAVIS:

a. On June 02, 2022, DAVIS and THOMAS exchanged the following messages:

- i. DAVIS: “Gang call up there today I still got that cheese for u”.
- ii. THOMAS: “Give me that number again.”
- iii. DAVIS: “15865859510”
- iv. THOMAS: “They said til the 7th”.
- v. DAVIS: “Damn bet it up gang”.

I conducted a search for telephone number “15865859510” and learned that “15865859510” is the telephone number for Action Impact in Eastpointe, Michigan.

b. On June 07, 2022, DAVIS and THOMAS exchanged the following messages:

- i. DAVIS: “Yo”
- ii. THOMAS: “I’m ready”
- iii. DAVIS: “Where you at ?”
- iv. THOMAS replied with his address.

c. Later on June 07, 2022, DAVIS sent THOMAS the following message: “I’m at the bustop right by White Castle”.

**CONCLUSION**

17. Probable cause exists that on or about June 07, 2022, in the Eastern District of Michigan, Sheldon THOMAS, did make false statements during the purchase of a firearm, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

*S/A Marquis Shannon*

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Marquis Shannon  
Special Agent, ATF

Sworn to and subscribed in my presence  
this 9 th day of July 2022

*Kim M Altman*

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Hon. Kimberly Altman  
United States Magistrate Judge